

³ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IT IS FURTHER ORDERED THAT plaintiff's motion to strike Fonfa's answer [ECF
2 No. 51] is **GRANTED IN PART AND DENIED IN PART**: it is granted as to paragraphs 40
3 and 50 and affirmative defenses 2, 3, 5-7, and 9-19, which are deemed struck, and it is
4 denied as to affirmative defenses 1, 4, and 8;

5 IT IS FURTHER ORDERED THAT **defendant Fonfa has 10 days to amend his**
6 **answer to cure the defects in paragraphs 40 and 50, and in affirmative defenses 2, 3, 5-7,**
7 **and 9-17.**

8 Dated: December 10, 2019

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12 U.S. District Judge Jennifer A. Dorsey
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